

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WISCONSIN MASONS 401(k) FUND,
BILL BONLENDER, and
BRICKLAYERS AND ALLIED CRAFTWORKERS
DISTRICT COUNCIL OF WISCONSIN,

Plaintiffs,

v.

KATHLEEN M. FROODE,

Defendant.

ORDER

16-cv-676-jdp

On October 12, 2016, plaintiffs brought suit against defendant Kathleen M. Froode, alleging violations of the Employee Retirement Income Security Act (ERISA), civil theft, and conversion. Dkt. 1. Froode, appearing pro se, answered plaintiffs' complaint on January 20, 2017. Dkt. 8. Now, more than six months after filing their complaint and more than three months after receiving Froode's answer, plaintiffs have filed an amended complaint that purports to add a new party, Wisconsin Laborers District Council, as a plaintiff and a new claim for issuance of worthless checks against Froode. Dkt. 11. Plaintiffs do not indicate that they have obtained Froode's written consent to amend their complaint, nor do they ask for the court's leave to do so, as required by Federal Rule of Civil Procedure 15(a), so the court will strike the amended complaint as improper. Should plaintiffs wish to amend their complaint, they must move for leave to do so under Rule 15.

ORDER

IT IS ORDERED that plaintiffs' amended complaint, Dkt. 11, is stricken.

Entered May 8, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge